

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MARCH 30, 1989

## MARTHA'S VINEYARD COMMISSION MEETING

Mr. Young, Chairman of the Land Use Planning Committee (LUPC), prior to opening the public hearing, stated that he and Ms. Borer, Executive Director, had met earlier tonight and had a quick working session with new Commissioners to discuss the format for public hearings. We ask the Commissioner's cooperation in directing the public hearing toward fact gathering only, deliberations, discussions, and position taking should be left to the discussion/deliberation period prior to the vote. Mr. Young called attention to the procedural sheets for public hearings in the Commissioners' handbooks and asked the Commissioners to refresh their memories on these procedures.

The Martha's Vineyard Commission held a public hearing on Thursday, March 30, 1989 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Margaret H. Marshall and Anthony Lewis  
8 Lowell Street  
Cambridge, MA 02138

Location: Off Middle Point Road  
West Tisbury, MA

Proposal: Subdivision of land qualifying as a DRI since the proposal is the subject of a previous DRI.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Marshall & Lewis Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Greg Saxe, MVC Staff, to make his presentation.

Mr. Saxe reviewed staff notes (available in their entirety in the DRI file) and stated that the map at the back of the staff notes gives the best representation of the location of the proposal. He used wall maps and an aerial photograph to depict the location, significant views, and topography of the area. Mr. Saxe reviewed information received from the Mass. Natural Heritage Program regarding rare species and ecologically significant natural communities at this location. He then reviewed correspondence received (available in its entirety in the DRI file) from the following people: Tom Chase, dated January 5, 1989; Tisbury Great Pond Think Tank (TGPTT), Minutes dated

January 5, 1989; and the following letters sent to the West Tisbury Planning Board and submitted for this hearing at the request of Mr. Lewis: Tom Chase, dated June 9, 1988; Robert Sturgis, dated January 3, 1989; Nicholas deB. Katzenbach, dated January 5, 1989; Majorie Moore Yours, dated January 19, 1989. Mr. Saxe then answered Commissioners' questions.

Mr. Evans, Commissioner, asked Mr. Saxe to clarify the access and give any reaction he might have to the TGPTT suggestion that the road should be moved higher up on the land? Mr. Saxe responded that he didn't travel the road past the applicant's property, however, the road is a well travelled road. In his opinion it would take a lot of construction and cutting to create a new road and significant revegetation to overgrow the existing road. This may create as much sedimentation and damage to the environment as might potentially exist by allowing the road to remain where it is. Mr. Evans questioned the rationale for the TGPTT suggestions. How many more houses might be approved for Middle Point? Mr. Saxe responded that perhaps the applicant or West Tisbury Town Board members could best respond to that question.

Mr. Ewing, Commissioner, asked if this would have to go before the West Tisbury Conservation Commission? Mr. Saxe responded that he doesn't believe so, not unless they want to build in the 100' buffer of the Shore Zone. Mr. Ewing asked if anything is planned in the Shore Zone? The response was no.

Ms. Medeiros, Commissioner, questioned the references made to the Magid subdivision and the use of Deep Bottom Road for access made in Mr. Sturgis's letter, does he anticipate a problem? Mr. Saxe responded that these particular references have no bearing on the current proposal, Mr. Sturgis used this opportunity to express concerns to the Commission. Mr. Young stated that the Commission could address this issue at another time.

Mr. Fischer, Commissioner, questioned the statement that this is the most productive cove, who made this statement and what is the productivity based on, shellfish? Mr. Saxe responded that this is from Mr. Chase's letter. Mr. Young read the following except from the letter: Middle Point Cove is the most productive body of water adjacent to the Refuge, and two qualities keep it that way: 1) lack of persistent human presence, and 2) diversity of wetland and estuarine habitats. This combination allows visitors to the Refuge to see not only a great variety and abundance of wild plant and animal species, but also within an unspoiled setting. Conserving the head of Middle Point Cove (either through gift or restriction of activities on this portion of the parcel) would protect habitats associated with the fresh water components of this estuarine system.

When there were no further questions for Mr. Saxe, Mr. Young called on the applicant to make a presentation.

Mr. Mike Sweeney, Dean Swift, stated that in 1956 this area was subdivided and the travelled dirt path was established as the primary access, Middle Point Road. The reason for this subdivision is to create 1 lot which will be a gift to the Trustees of Reservations and 2 buildings lots with 1 dwelling per lot permitted, no camps will be allowed, this is a reduction in the number of dwellings possible under the zoning by-laws. We will create a 12' utility road on the site of the existing overgrown path, this will cross both lots and therefore provides adequate access to both. The soils in the area are Sandy Carver and are suitable for septic systems, the soils are about the same as any other soils on the Island in terms of septic suitable. There have been suggestions of switching the location of the wells and the septs, additional perk tests will be performed prior to submitting applications to the Board of Health. The building zones will include a 50 foot setback from the center border of the two lots, 50 foot setback from the edge of the lots, 100 foot setback for the Shore Zone on the Thumb Cove side, and the additional 400 foot setback from Middle Point Cove side of the project. The benefits of this project greatly outweigh any detriments. Mr. Sweeney then answered questions from the Commissioners.

Ms. Eber, Commissioner, asked if there were any contour maps available? Mr. Sweeney showed U.S.G.S. contour maps with 5 foot elevations depicted and stated that these were spot checked and appear to be accurate.

Mr. Filley, Commissioner, asked is it correct there are 9 lots from this proposal to the end of the point? Mr. Sweeney answered yes and showed an assessor's map of the area. Mr. Young added to Mr. Sweeney's response by stating that below this property on the point there are 9 existing lots, several of these lots are larger than 3 acres so there is the potential for 14 lots.

Mr. Ewing, Commissioner, asked about the possibility of switching the locations of the septs and wells, would there be more vertical separation from the groundwater in the center of the point? Where did you hit groundwater? Mr. Sweeney responded that the problem is that the sand caves in and there is fast perking, 4 minutes per inch. We went down 11 feet and didn't hit groundwater. Mr. Ewing asked if they intended to put trenches in? Mr. Sweeney responded that either trenches or pits would be suitable.

Mr. Morgan, Commissioner, asked the applicant about the TGPTT suggestion for a 200' no-cut, no-build buffer? Mr. Sweeney stated that he doesn't believe they will be necessary with the relocated building envelopes and the setback. He went on to state that regarding the no-cut provision, several environmentalists have agreed that this is not the way to go here. Our idea is to open up pockets and plant wood grasses to create open space. This area is not in its natural state now, by opening up the area we will create a more suitable habitat for endangered species such as the Bushy Rock Rose and a hunting area for the Osprey. Concerning the no-build provision we feel that the 100' buffer from Thumbs Cove is adequate protection since there will be no lawns and the septs will be relocated. There

is 400' at the other side. Mr. Morgan then asked about the view from the rear of the property? Mr. Sweeney stated that the only significant view would come from Mr. Sturgis' property and he has sent a letter of support for the project. We can't see any reason this would present a problem.

Mr. Young asked which environmentalists he had discussed the no-cut provisions with? Mr. Sweeney responded Mr. Tom Chase and Mr. Tim Simmons.

Mr. Ewing asked if there were any houses on this property now? The response was no, it is bare.

Jane Kaplan, legal representative for the applicant, stated that in response to the suggestions of relocating the Middle Cove Road access, legally we can't change the location. Prior DRI decision established a legal right-of-way for people further down the point to have access over this road. Regarding the other TGPTT suggestions: 200' buffer; the Massachusetts Wetland Protection Act is the most protective legislation across the country and after significant work and study they have come up with a 100' buffer, there is no need or scientific justification that this should be increased. Concerning the no-cut aspect Mr. Chase has advised us that it would be counterproductive to create a no-cut zone. The vegetation in this area is choking out the rare species and 2 of the species mentioned by the Mass. Heritage Program would benefit from selective thinning and regular maintenance of this area. She went on to state that the landowners are responsive to the sensitive needs of the area and have created covenant restrictions that have met with West Tisbury Town Council approval. The sensitivity of the landowners is so high that even the abutters have commented in favor of the proposal. A comparison of what is being proposed to what could be done without the subdivision shows that indeed the benefits do outweigh the detriments in light of the Standards and Criteria set forth for Developments of Regional Impacts. She cited pertinent sections from the DRI Standards & Criteria.

Mr. Lewis, applicant, added that the only significant view of this land is from the Sturgis property and he has written in support of the project. I have had a camp during the summer here for 25 years. All of the opinions and feeling I have heard tonight correspond with the way I feel this property should be maintained.

Mr. Filley, Commissioner, asked if the applicant would have any problem with the Commission imposing conditions concerning fertilizer use? Mr. Lewis said no, indeed, to the contrary any conditions you impose in that regard will assist us in protecting the area and would most likely set a precedent on the Pond.

When there were no further questions from the Commissioners for the applicant or his agents, Mr. Young called on town board testimony.

Ms. Virginia Jones, Chairman of the West Tisbury Planning Board (WTPB), stated that she lives in the area and showed the location of her home on the wall map. In 1986 the WTPB made trips through the

town on a bus to figure out which private and public roads were not suitable for further subdivision, one was Deep Bottom Road, and Magid is using it heavily. After we took these rides Mr. Lewis approached us about this subdivision proposal and voluntarily made all proposals you have heard tonight. I have known Mr. Lewis for over 25 years and I'd be surprised if he moved a lawn or used fertilizer. The area of the 9 lots further on the point contains approximately 14 houses all modest in size with the exception of 1 or 2. There are no utilities, electricity, phone, cables, etc. on this Point. The Planning Board felt that this is a gem of a proposal. This is the type of subdivision we like to see, and I don't say that often.

Ms. Eber, Commissioner, asked the applicant if they plan to have electricity installed? Mr. Lewis stated that he is embarrassed to say, but yes. We have lived there seasonally for 25 years without it, but now we plan to install electricity for year round occupancy.

When there was no further town board testimony, Mr. Young called on public comment in favor or opposed to the proposal, there was none. The applicant and the Commissioners had no further comments or questions.

Mr. Young closed the public hearing at 9:00 p.m. with the record remaining open for one week.

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The Martha's Vineyard Commission held a public hearing regarding the following Development of Regional Impact (DRI):

Applicant:                Leona Baumgartner Langmuir  
                          Abel's Hill  
                          Chilmark, MA 02535

Location:                Off Old County Road  
                          West Tisbury, MA

Proposal:                Division of land qualifying as a DRI since the  
                          proposal is the subject of a previous DRI.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Langmuir Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Greg Saxe, MVC Staff, to make his presentation.

Mr. Saxe reviewed staff notes (available in their entirety in the DRI file) using wall displays to depict the location, surrounding land uses including the land leased to Mr. Douglas, and the area subject to previous DRI review. Mr. Saxe stated there was no correspondence received for this DRI and proceeded to answer Commissioner questions.

Mr. Ewing, Commissioner, asked if this is a public access area? Mr. Saxe responded yes, that is why there has been discussion about descriptive signs and parking area.

Mr. Fischer, Commissioner, asked if any screening has been proposed for the parking lot? Mr. Saxe responded that this wouldn't be a lot per say, just a cleared area. He went on to state that part of the covenants dealt with keeping this area open and retaining the public views of the field.

Ms. Eber asked where the 24 lots referred to in the previous DRI history are located? Mr. Saxe referred Ms. Eber to the assessor's map at the back of the staff notes.

Mr. Ewing asked if this abuts the State Forest? Mr. Saxe responded yes and showed the location of the State Forest on the wall map.

When there were no further questions from the Commissioner, Mr. Young called on the applicant to make a presentation.

Mike Sweeney, agent for the applicant, reviewed the proposal and stated that this was lot #5 on the previous subdivision plan and has conservation restrictions on its use. There are easements for passive recreational use and we plan to expand these to allow good access to the State Forest. The parking mentioned is to be available for creation if the Sheriff's Meadow Foundation deems necessary. The hills and shrubs will buffer this parking from one direction. The gift to Sheriff's Meadow Foundation, and the pedestrian, equestrian and parking easements show there are many benefits to this proposal and there are no detriments. Mr. Sweeney then answered questions from the Commissioner.

Ms. Sibley asked if the intent was to keep the area under agricultural use? Mr. Sweeney stated that there are conservation restrictions on this land and agriculture is one of the uses allowed. Mr. Langmuir added that the lease with Mr. Douglas is through 1991, at that time Sheriff's Meadow could renegotiate the lease with him, it is up to Sheriff's Meadow Foundation to decide what use they feel would be appropriate.

Mr. Young asked Mr. Sweeney if the intent of the parking was to provide access to people who had difficulty walking, i.e. handicap? Mr. Sweeney said yes partially, also to provide access to those who otherwise would have none available. Mr. Young asked how they propose to deal with the slope of the land in the area of the proposed parking? Mr. Sweeney stated they would use the slope to maintain the small scale of the parking area. Mr. Young then asked if they would designate spots? Mr. Sweeney stated there are no plans now to designate spaces. The wall display of the proposed parking was discussed including the anticipated areas for parking spaces.

When there were no further questions for the applicant, Mr. Young called on Town Board testimony.

Ms. Jones, Chairman WTPB, stated that they had reviewed this proposal and held a public hearing and they have no objections to this proposal. They wish that ever subdivision was as unobjectionable as this one.

Mr. Young then called on public testimony in favor then opposed to this proposal, there was none. He called on the applicant to make a closing statement, he had none. He then asked if there were any further questions from the Commissioners.

Mr. Morgan asked if there is any reason we can't vote on this now? Ms. Borer responded it is not on the agenda for a vote tonight. Mr. Young added that he would like further discussion on the parking at LUPC.

Mr. Young closed the public hearing at 9:25 p.m. with the record remaining open for one week.

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The Martha's Vineyard Commission held a public hearing regarding the following Development of Regional Impact (DRI):

Applicant: William R. Morris, III, Trustee  
Red Farm Nominee Trust  
1221 Potomac Street, N.W.  
Washington, D.C. 20007

Location: Off Lambert's Cove Road  
West Tisbury, MA 02575

Proposal: Modification of May 1987 DRI Decision qualifying as a DRI since the proposal is the subject of a previous DRI.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Red Farm Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Tom Bales, MVC Staff, to make his presentation.

Mr. Bales used wall maps and staff notes maps to show the location of the proposal and showed a video of the site depicting the location of the existing structures and the topography of the land. He then reviewed staff notes (available in their entirety in the DRI file) and correspondence (also available in its entirety in the DRI file as follows: From: WTPB, dated September 27, 1988, with an enclosure from Bob Elias, dated September 21, 1988; From WTPB, dated December 5, 1988; and from Bob Elias, West Tisbury Conservation Commission, dated March 29, 1989. Mr. Bales then responded to questions from the Commissioners.

Ms. Eber asked about the statement in the staff notes regarding Conditions #5 and the fact that one trail was closed, why? Mr. Bales responded that the applicant could best address this.

There were questions about the size and age of the farmhouse, since staff had no plans of the farmhouse these questions would be addressed later by the applicant.

Mr. Ewing asked if the trails referred to are ancient ways? Mr. Bales responded that the Commission Decision refers to them only as existing trails. Ms. Borer added that one of the trails was being kept open at the request of the Fire Dept. for emergency access. Mr. Young added that one trail leads to Christiantown and the other to the firetower towards Hidden Village.

When there were no further questions for Mr. Bales, Mr. Young called on the applicant to make his presentation.

Mr. Doug Hoehn, Scofield Brothers, submitted revised plan depicting the proposed building zones and discussed the topography, wet area and existing structures. He gave a history of the property (lot #9) and the restrictions the conditions imposed and stated that the proposed amendment to the previous subdivision will have no detrimental impacts and some favorable ones. He stated it is obviously difficult to sell lot #9 without allowing renovations to the existing farm house or an additional building. He stated they still intend to preserve the meadow, which is in a bowl type area, and separate the meadow from the building envelope, as shown in the plans, and they believe this won't have an adverse impact on the existing views of the property. One point that was brought up at LUPC was that if we allow an owner to build a second house it will be more likely that they won't try and change the existing farmhouse. Mr. Hoehn then answered questions from the Commissioners.

Mr. Filley, Commissioner, asked how big the existing farmhouse is? Mr. Patric Mahady, applicant, responded 1,200 sq. ft. Mr. Filley then asked how big they want the potential building? The response was it will be up to the buyer. Discussion followed about the West Tisbury regulations for lots this size and the architectural review committee within the subdivision.

Mr. Evans asked which lots have been conveyed out of original ownership? The applicant showed this lots on the map and stated that lot #12 is now under construction. Lots 6, 7, 8, and this one 9 are still unconveyed.

Mr. Ewing asked the applicant how old the farmhouse is and whether the Historic Commission's involvement was based on the age of the house? The applicant stated that the Historic Commission's involvement was initiated during the DRI process. They will give input but have no jurisdiction.

Mr. Sean Conley showed a video of the exterior and interior of the farmhouse and answered Commissions questions as follows: the farmhouse was built about 1780-1800's but no one is certain of its history; it was renovated 15 years ago; it is structurally sound; the ceilings are about 6'4"; the stairs are very high and steep; there is one bedroom downstairs and two small ones upstairs. He stated that ideally this would be used as a summer guest home since there is no heat and in response to a question of rehabing the structure and keeping its historical quality he stated that they would have make an addition to the structure which would substantially alter it no matter



how aesthetic the changes were. There was also discussion about whether this property was marketed with historic orientations and the applicant's plan to do so in the Spring.

Ms. Harney, Ms. Colebrook, Ms. Medeiros, and Mr. Lee all expressed a desire to see this property maintained as is and it was stated that although the house is loaded with problems, it is so gorgeous that they may have some luck selling it with the proper marketing.

Mr. Filley asked if any provisions were made to maintain the farmhouse? Mr. Hoehn responded that there are many possibilities open. Mr. Filley stated that his concern is someone would build a new house and let this fall apart from disrepair. The applicant stated they could do that now by taking out the kitchen and building a new structure.

Ms. Scott, Commissioner, asked if the Historic Commission has given any input? Mr. Hoehn stated that he had the minutes available from a meeting in October and that they would prefer to see a new dwelling rather than renovations or additions to the existing farmhouse.

Mr. Eric Peters gave an explanation of the road network and discussed the location and reasons for closing of the one trail. He stated that in the course of the roads being put in there has been increased vehicular traffic and the Planning Board agreed with the rocks put there to block this additional traffic and that the intent was not to increase use just to keep them open.

Ms. Harney stated that she feels the Commission is being asked to upgrade the value of the property so the applicant can get more money for it. Mr. Hoehn responded no, just so we can sell it for what it is worth. We could take the kitchen, build a new dwelling and let the farmhouse decay. He stated that 2 houses on 9 acres is not too much density, there is plenty of room and the land is not fragile here.

Mr. Young read from the Minutes of the Historic Commission as follows: The conclusion was that every attempt should be made to preserve what needed to be preserved. This did not preclude making essential interior renovations, even modernizations; nor did it preclude adding on to the exterior--here it would be a matter of scale. Nor, in the WTHC's opinion, did it in fact preclude house as principal dwelling elsewhere, out of sight, on the lot. In every instance, the maintenance of the integrity of the original house should be the objective and the measure by which proposals for alteration ought to be judged.

Mr. Ewing asked about the statements on a wet area, is there any standing water? Mr. Hoehn responded that there is very little if any, if there is any there now it is way down in the bowl area, there is just runoff from the hills. Mr. Saxe, MVC staff, stated that this is not a good time to get a representation of the water in the area since we are now in a drought and the water table is down considerably. There was further discussion about the wetland and the fact that Mr. Hoehn believes the Conservation Commission didn't mark any wetlands at

their previous visit and that they would have review anything in the vicinity of a wetland if any construction were proposed in that area.

Mr. Fischer asked about the possibility of tearing down the shop? Mr. Young stated he questioned that too since there was discussion during the previous DRI Decision because it has plumbing and whether or not it should be disconnected from the septic and so it couldn't be used as a dwelling. I don't believe we went so far as to propose it be torn down. Has there been any discussion by the applicant how to handle this. Mr. Madahy stating we aren't proposing 3 dwelling, the blacksmith shop is actually a good site for the new house, the shop is cinder block and has no historic value. Our main concern is to preserve the farmhouse and everyone who has looked at it has proposed additions that would knock it out of scale.

When there were no further questions for the applicant Mr. Young called on Town Boards for testimony.

Ms. Virginia Jones, Chairman of the WTPB, stated that regarding the existing trails the Planning Board did visit the site and it was with our full concurrence that the trail discussed earlier be moved, it made sense. She stated that because of the historic character modifications would be difficult if not impossible and that she had worked in historic preservation before moving to the Island and did sit in on the Historic Commission's meeting about this property. The house is very old and although it is interesting it is very small and inconvenient. The Planning Board felt that the farmhouse should remain as is and be used as a guesthouse, the blacksmith shop should be removed, and a primary structure should be constructed. This proposal would preserve the farmhouse which is a small structure that does not lend itself to use as a primary structure on a lot of this size. It certainly would provide incentive to the applicant to find a purchaser who would preserve the house rather than allow it fall to benign neglect. The Planning Board hopes you will allow the applicant to go forward with this plan, we can't think of a better way to solve this problem. We don't think it will enhance the property value significantly but it will allow for protection of the farmhouse and property without seriously derogating its value.

Mr. Young then called on public testimony in favor of the proposal, there was none. He then called on public testimony in opposition.

Mr. Sam Hopkins, an abutter, showed the location of his property on the wall map. He stated that he feels the applicants have the best of interests, but he finds it very interesting that they left out the Pond that exists in the field, it has been there for a long time. The other Pond that is being referred to as a runoff area is as big as the map shows it to be, it has been there for a while, the drop in the water table is probably higher in this moraine. I think it is great to save this farmhouse, it is a beautiful building, but I get a little nervous about people saying they want to save some open space and then coming back and saying they want to build another house there. Let's face it, it is not selling, they paid a lot of money for the land, maybe too much considering what is happening in real estate. I feel a

little funny about towns and the Commission bending to the whims of the developers. I have driven through there 4 times this year, and found on one occasion there was a rail fence put across. I own a portion of the Ancient Way that leads through here, and on another occasion there were two very large boulders on my property and it appeared that my boundary stone had been moved a few inches. There were also big boulders where it crosses into Mohu, that owners way of closing that road is with a tree, not with rocks. I am not trying to imply that these men are misrepresenting what is going on there, I am sure what they are saying is what they have been told. I have a problem with people putting transformers in the middle of an Ancient Way, that is not where they belong, they belong off to the side of it. That is why people drove on your grass because you put a transformer and planted a pine tree in the middle of the road. I feel uncomfortable, I came here when this development was first initiated, it was implied to me then, very clearly on some maps, that these trails would be kept intact. The reason I am concerned about it is because of the flooding and topography of Christiantown Road, it has flooded out and once this year I had to go through Red Farm because I had to get out. There is a lot of traffic there and it concerns me, I like the idea of a bump gate or something of that type. What I am hearing is that they want permission to build a house, of any size, somewhere, in a comfortable building envelope and the fact of the matter is buyer beware. My feeling is that I have to speak in opposition to this because of previous actions taken, I'm sure not by these gentlemen but probably by their employees, because front end loaders don't drive themselves and usually the guys who drive them don't dump rocks in the middle of the road without being told to by some authority figure. My feeling is that this Commission is kind of being lead down the "garden trail" on this, with the applicants leaving out ponds, claiming that the land isn't wetland it is just wet some of the time, when in fact it is quite a large pond. I appreciate your time and the opportunity to listen to this.

Ms. Jones stated that as Chairman of the Planning Board she is hardly a person that can be swayed by the whims of any subdivider, I am as uncharmable as anyone could be. Concerning the Ancient Ways involved, we feel and the applicant probable feels as well, that these are not necessarily ways for vehicular traffic they are for foot traffic and horses who can quite easily maneuver around rocks. We do have crash gate to allow emergency vehicles but not to allow the common herds to trample on private property. This subdivision is one of two model subdivision, the other is Preister Pond, which has been done extremely well. The applicant has been unbelievable cooperative and forthcoming in response to our regulations. There has been no foot stomping, no fists in the air, no problems.

When there were no further questions or comments from the applicant, Mr. Young closed the public hearing at 10:00 p.m. with the record remaining open for one week.

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Mr. Filley, Vice-Chairman, opened the Special Meeting and proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of March 23, 1989

It was motioned and seconded to approve the draft minutes as prepared. There was no discussion the motion carried with no opposition, 3 abstentions, Medeiros, Scott, McCavitt. (Harney was in favor.)

ITEM #4 - Committee Reports

Mr. Young, Chairman of LUPC, reported that they had met Monday with applicants for the Red Farm and Dreamland DRIs and with the Oak Bluffs Parking and Traffic Committee to discuss traffic problems. We also discussed the MV Racquet and Fitness Club, the applicant declined to participate. We will meet on April 10th with applicants from Wesley Arms and Swan Neck DRIs, both decisions are due by the 20th.

Ms. Harney, Co-Chairperson of Comprehensive Planning Advisory Committee, reported that they had met at 5:30 p.m. to discuss Island transportation issues covered by lists of issues, policies, and comments from the Task Forces on transportation complied by the staff.

Mr. Morgan, County Commissioner, reported on the status of the Moped and Steamship Authority Bills.

Mr. Fischer, Chairman of the Gay Head DCPC Subcommittee, reported that they had met on Monday for a site visit. They walked the property and observed views and beach property. Carol Borer will go back and do a video of the site. Our next meeting will be Monday at 5:30 p.m. I urge all members to attend.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC Subcommittee, reported that they had met earlier tonight and looked at aerial photos of the area. They would be conducting a site visit, hopefully by boat, and we might go early next week, which will be a good time because the pond will be high and it will open soon. He went on to state that the public hearing is scheduled for April 27th and the next subcommittee meeting will probably be Thursday at 7:00 p.m.

Mr. Filley stated the Planning and Economic Development Committee would be meeting Thursday at 6:30 p.m.

When there were no further committee reports Mr. Filley moved to the next agenda item.

ITEM #5 - Possible Vote - Written Decision - Juan DelReal DRI, Town of Edgartown

It was motioned and seconded to approve the draft decision as presented. This motion carried with a vote of 11 in favor, 0 opposed, 4 abstentions (Colebrook, Medeiros, Scott, Wey). (Harney was in favor).

ITEM #6 - New Business

Ms. Borer, Executive Director, addressed a request received from Mr. Conoyer, Harborlight Trust, which dealt with adjusting the lot lines on a piece of property that was first reviewed in '86 and was denied for 25 motel units, then was approved for 5 units in '87. She showed the location, the lots in question, and the existing and proposed lot lines explaining the reason for the adjustment of the lot lines would be to allow a recently constructed foundation to meet setback requirements. The question to the Commissioners tonight is, do you want to have 2 public hearings on this property, one for the new lot lines and one for the new construction when the building application permit is made.

There was discussion among the Commissioner regarding the fact that construction of the foundation was performed even though there was no approval for it; the fact that the first units were to be constructed and then after seeing how things work out the applicant could seek approval for the second; the fact that the first unit had been built and burned down; and the fact that the applicant was asking for approval of a change for a substandard lot with an illegally build foundation.

It was motioned to hold the lot line change until the building permit application is made. After discussion this motion was withdrawn and the following motion was made and seconded. Motion to inform the applicant that the Commission is not interested in holding a public hearing on the change in the lot lines however, when such time the building permit is applied for the Commission will review it as a DRI. This motion passed with no opposition, no abstentions.

Mr. Filley then asked if there was any other new business.

Ms. Medeiros, Commissioner, stated that another problem has arisen in Tisbury that was the subject of a previous DRI, namely the SBS Building. She addressed the matter of the back road and egress that was never defined and the fact that the Planning Board denied construction of a road and now there was a paved apron constructed with a curb cut on State Road.


Discussion followed on the ownership of the property, the legal right-of-way held by the applicant, the curb cut permit, and the specific language of the previous DRI in relation to the easement.

Mr. Filley stated that Ms. Borer would review the testimony and decision from the previous DRI and see if it addresses this issue and report to the Commissioners on her findings next week.

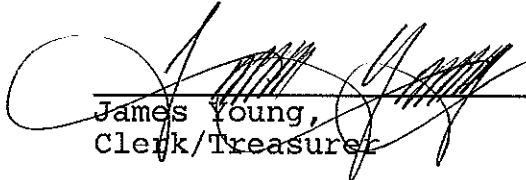
ITEM #7 - Correspondence - There was none.

The meeting was adjourned at 11:03 p.m.

ATTEST

  
J. Woodward Filley,  
Vice Chairman

4/7/89  
Date

  
James Young,  
Clerk/Treasurer

4/7/89  
Date

Attendance:

Present: Bryant, Colebrook, Eber, Evans, Ewing, Filley, Fischer, Lee, Medeiros, Morgan, Scott, Sibley, Wey, Young, McCavitt, Harney.

Absent: Early, Jason, Delaney, Allen, Geller.